

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RUDIE ANTHONY JARAMILLO,

Plaintiff,

v.

BURNES, *et al.*,

Defendants.

Case No. 1:22-cv-00233-BAM (PC)

ORDER DIRECTING CLERK OF COURT TO  
RANDOMLY ASSIGN DISTRICT JUDGE TO  
ACTION

FINDINGS AND RECOMMENDATION  
THAT PLAINTIFF'S MOTION FOR LEAVE  
TO PROCEED *IN FORMA PAUPERIS* BE  
DENIED

(ECF No. 2)

**FOURTEEN (14) DAY DEADLINE**

Plaintiff Rudie Anthony Jaramillo ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff initiated this action in the Sacramento Division of the United States District Court for the Eastern District of California on February 16, 2022, together with a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.) Plaintiff filed a certified copy of his prison trust account statement on February 22, 2022. (ECF No. 4.) The action was transferred to the Fresno Division on February 24, 2022. (ECF No. 5.)

Examination of these documents reveals that Plaintiff is able to afford the costs of this action. Specifically, Plaintiff's current available balance in his inmate trust account is \$2,256.44.

///

1 Accordingly, the Court HEREBY ORDERS the Clerk of the Court to randomly assign a  
2 District Judge to this action.

3 Further, it is HEREBY RECOMMENDED that:

- 4 1. The motion to proceed *in forma pauperis*, (ECF No. 2), be DENIED; and
- 5 2. Plaintiff be ORDERED to pay the \$402.00 initial filing fee in full to proceed with this  
6 action.

7 These Findings and Recommendations will be submitted to the United States District  
8 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within  
9 **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may  
10 file written objections with the court. The document should be captioned “Objections to  
11 Magistrate Judge’s Findings and Recommendation.” Plaintiff is advised that the failure to file  
12 objections within the specified time may result in the waiver of the “right to challenge the  
13 magistrate’s factual findings” on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)  
14 (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

15  
16 IT IS SO ORDERED.

17 Dated: February 24, 2022

18 /s/ Barbara A. McAuliffe  
19 UNITED STATES MAGISTRATE JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28